

September 19, 2006 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

06SN0337

Neal O. and Rosemary Hager

Bermuda Magisterial District  
North line of Happy Hill Road

REQUEST: Conditional Use to permit a bed and breakfast and special events business incidental to a dwelling unit.

PROPOSED LAND USE:

Operation of a bed and breakfast and special events business, as well as residential use are planned.

RECOMMENDATION

Staff recommends denial of this request for the following reason:

The proposed commercial use of the property fails to comply with the Southern and Western Area Plan which suggests the request property is appropriate for residential use.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.)

PROFFERED CONDITIONS

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the properties known as Chesterfield County Tax IDs 794-644-4162-00000 (6.8 acres) and 794-644-2068-00000 (2.3 acres) from A to A with a conditional use permit to operate a bed and breakfast and special events business incidental to a dwelling unit will be developed as set forth below; however, in the event the request is denied or approved with conditions not agreed to by

the Owner-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. This Conditional Use shall be granted to and for Neal O. and/or Rosemary Hager, exclusively, and shall not be transferable or run with the land. (P)
2. The days and hours that the Special Events business shall be open to the public shall be as follows:
  - a) Monday through Thursday, from 10:00 a.m. to 9:30 p.m.
  - b) Friday, Saturday, and Sunday, from 10:00 a.m. to 11:00 p.m. (P)
3. No vendor deliveries shall be permitted before 9:00 a.m. or after 7:00 p.m. (P)
4. The bed and breakfast and special events uses shall be designed and operated so as not to generate noise levels above 50 dB(a), as measured at the boundaries of Tax Ids 794-644-7898-00000, 794-644-8594-00000, 794-645-6510-00000, and 794-645-7103-00000. (P)
5. No exterior lighting shall be higher than twenty (20) feet. (P)
6. Other than normal maintenance and cosmetic enhancements, there shall be no exterior additions or alterations to existing structures, nor any new construction, to accommodate this use. This is no way intended to restrict the Owners from periodic use of tentage with flooring, concourse and marquee for special events. (P)
7. One (1) nine (9) square foot sign shall be permitted to identify the Bed and Breakfast and Special Events Business. (P)
8. Within 120 days of approval of this request, forty-five (45) feet of right-of-way on the north side of Happy Hill Road, measured from the center-line of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
9. Direct vehicular access from the property to Happy Hill Road shall be limited to one (1) entrance/exit, as approved by the Transportation Department. (T)

#### GENERAL INFORMATION

##### Location:

North line of Happy Hill Road across from Tarris Lane. Tax IDs 794-644-2068 and 4162 (Sheet 34).

Existing Zoning:

A

Size:

9.1 acres

Existing Land Use:

Single family dwelling

Adjacent Zoning and Land Use:

North - A and R-12; Single family residential or vacant

South - A and R-7; Single family residential or vacant

East and West - A; Single family residential or vacant

UTILITIES

Public Water and Wastewater Systems:

This request will not impact the public water and wastewater systems. The existing dwelling is connected to both the public water system and the public wastewater collector system. Connection to the public water and wastewater systems will be required for any future structures built on-site.

ENVIRONMENTAL

This request will have no impact on these facilities.

PUBLIC FACILITIES

Fire Service:

The Chester Fire Station, Company #1 and Bensley Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service. This request will have a minimal impact fire and EMS.

Transportation:

The property is located on the north side of Happy Hill Road across from Tarris Lane. The applicant is requesting a conditional use to permit a bed and breakfast and special events business. This use will have a minimal impact on the transportation network.

Happy Hill Road is classified as a major arterial on the county's Thoroughfare Plan with a recommended right-of-way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right-of-way along Happy Hill Road adjacent to the property, measured from the centerline of the road, in accordance with that Plan (Proffered Condition 8). Access to major arterials should be controlled. The applicant has proffered that direct access from the property to Happy Hill Road will be limited to one (1) entrance/exit. (Proffered Condition 9)

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests the request property is appropriate for residential use of 2.51 to 4.0 dwelling units per acre.

### Area Development Trends:

Surrounding properties are zoned Agricultural (A), Residential (R-7) and Residential (R-12) and are occupied by single family residential use on acreage parcels and within Longmeadow Subdivision or are vacant. It is anticipated that residential use will continue in the area as recommended by the Plan.

### Use:

Proffered Condition 1 would restrict the operation to the applicants only.

### Site Design:

Proffered Condition 6 would preclude additions and exterior alterations to any structures on the property for this use, thereby limiting the business to the existing improvements. Periodic use of temporary structures would be permitted for special events.

The Zoning Ordinance requires that driveways and parking areas serving more than four (4) vehicles be paved with concrete, bituminous concrete or similar material. The driveway serving the property is graveled and the majority of the parking areas are either graveled or untreated (grassed). The applicants have indicated they intend to seek a development standards waiver to this paving requirement.

### Hours of Operation and Lighting:

Proffered Conditions 2 and 3 would limit the days and hours that the operation is open to the public and when vendor deliveries are permitted.

Proffered Condition 5 would limit the height of freestanding lights.

Noise:

Proffered Condition 4 would require the businesses to be designed and operated so as not to generate noise levels above 50 dBa, as measured from the boundaries of the surrounding subdivision development to the north.

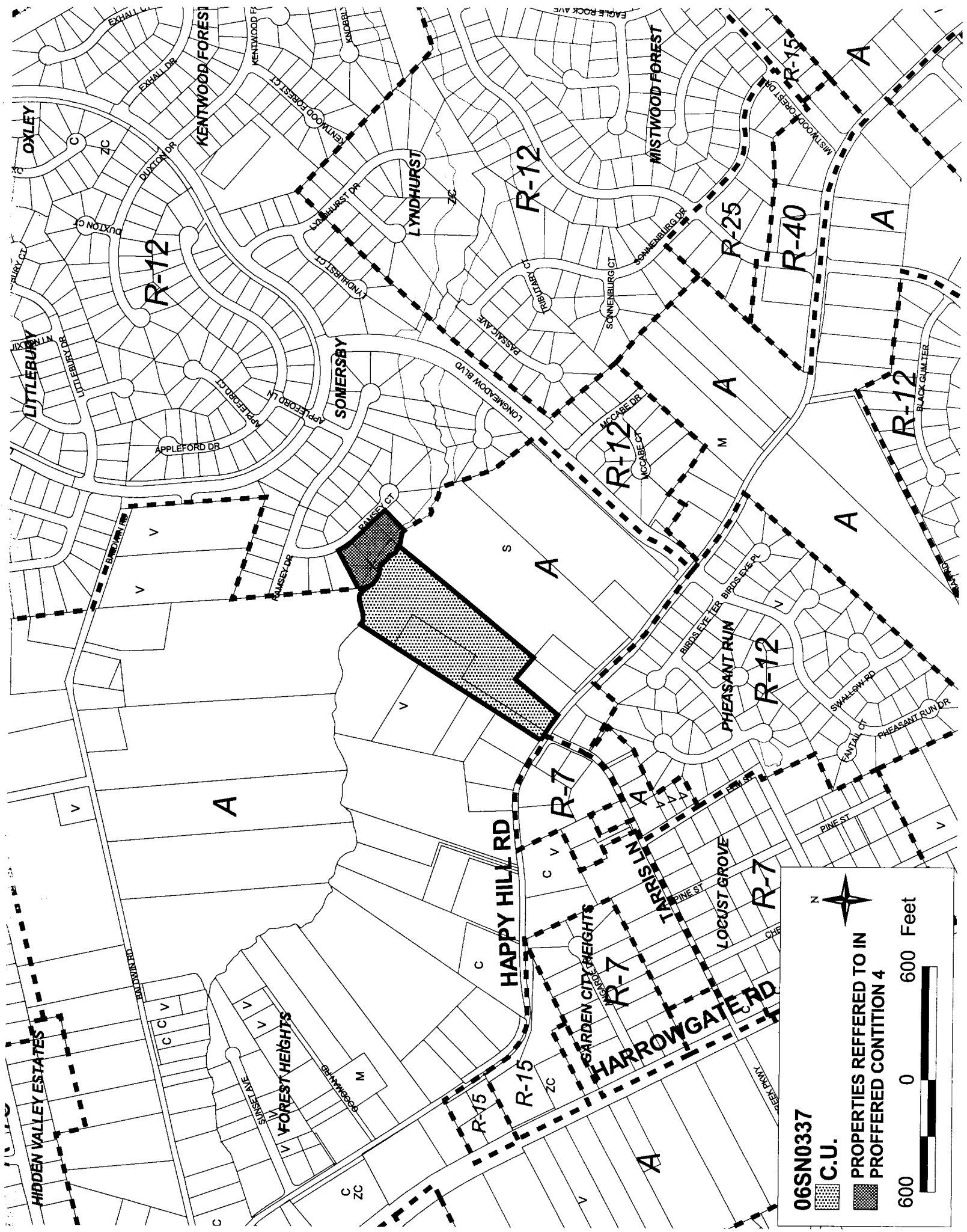
Signage:

The applicants propose one (1) nine (9) square foot sign to identify the use (Proffered Condition 7). Should this request be approved, staff suggests Proffered Condition 7 not be accepted because it exceeds the one (1) square foot sign typically allowed with a home occupation and which has been approved for businesses operated incidental to a dwelling.

CONCLUSIONS

The proposed commercial use of the property fails to comply with the Southern and Western Area Plan which suggests the request property is appropriate for residential use.

Given these considerations denial of this request is recommended.



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C.U.

PROPERTIES REFERRED TO IN  
PROFFERED CONTITION 4

600 0 600 Feet